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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to applicant's Arguments After Final Rejection

Rejection of claims 12, 20, 21, 22-23, 25, 27, 29 under 35 U.S.C 102(e) as being anticipated by Asmussen (US PAT: 7,293,279, filed 6-30-2000): Regarding rejection of claim 12 using the above reference, Applicant argues that "Asmussen patent does not disclose that "a portion of the real time is not buffered by means of buffering" as is required by claim 12, is apparently conceded in the rejection, since rejection states that this requirement of claim 12 is "implied" in Asmussen patent". Regarding this allegation, Applicant is misinterpreting the office action and Asmussen teachings in order to present his argument that Asmussen patent does not disclose that "a portion of the real time is not buffered by means of buffering" as is required by claim 12. Asmussen teaches the following: A transmission point 1425 illustrates the point of transmission of the video program from the buffer 1420 to display 1424. Therefore, when the system transmits the video program from the start of the buffer, with transmission point 1425 corresponding to the point of current transmission 1422, the video program is transmitted in real time (fig. 25 col. 45 lines 46-51). This clearly means a portion of the real time is not buffered by means of buffering because reference teaches playing out the buffered program till it catches up with the real program as the user may do this by fast forwarding buffered program till it catches up with the real program (fig. 26 col. 46 lines 14-17).

Quoting from case laws, Applicant argues that "it is submitted that the Asmussen system does not necessarily employ the teachings (or any other teachings as discussed below), nor does it communicate to one of ordinary skill in the art that necessarily a

program is buffered. The burden is upon the patent office to establish this claimed feature necessarily occurs in the Asmussen system, and claimed feature cannot be performed by some other means or teachings than that which claimed". Regarding this, as explained above Asmussen reference teaches buffering the program the user is watching in response to communication events such as in response to phone call or in response to off-hook detection (col. 44 lines 57-67) and playing back subsequently after the communication event to catch up to the real program (col. 45 lines 41-52; col. 46 lines 14-17). As such patent office has clearly established that Asmussen system clearly teaches applicant's claim limitations as claimed by claim 12.

Regarding rejection of claim 12, Applicant further argues that the Asmussen patent does not discloses that Asmussen system includes any means for actively causing the "transmission point" to the "point of current transmission". Asmussen merely states that when these two "points" coincide, that "the program is transmitted in real time". Regarding this, Asmussen discloses: The buffer receives and stores the video program for subsequent playback. Various techniques are known for converting the video program into a digital signal, potentially compressing it, and storing it onto a storage device for subsequent replay. The buffer may be implemented with a storage device such as hard disk or the RAM controlled by set top terminal as shown in fig. 4 (col. 45 lines 17-23). This clearly indicates that Asmussen system has means for actively causing the "transmission point" to the "point of current transmission.

Applicant's further refers in the last paragraph of page 11 of his response to office action and quotes Asmussen out of context to conclude that one of ordinary skill

in the art, considering discussion in the Asmussen patent, would not be led to the requirements of claim 12. As discussed above, Asmussen patent clearly teaches applicant claim limitations contrary to applicants assertion in the last paragraph of page 11 of his response to office action.

Regarding rejection of claim 20, Applicant argues that "claim 20 requires in part "displaying the buffered program to the user upon the termination of the call until the buffered program coincides with the real-time program" and "wherein displaying the buffered program is performed in a manner faster that the reception of the real time program" After quoting from Asmussen patent parts that were used in the rejection of claim 20 in the office action, Applicant alleges that "It is submitted that these portions of the Asmussen patent do not establish to one of ordinary skill in the art that there is a display of the buffered program "in a manner faster than the reception of the real time program", but instead merely discusses moving the current point of transmission buffer at an accelerated rate. It is therefore submitted one of ordinary skill in the art, considering the Asmussen patent, particularly at these points, would not arrive at the requirements of claim 20, and particularly those requirements set forth above". Regarding this, contrary to applicants interpretation of Asmussen patent, Asmussen patent does teach: buffering the program the user is watching in response to communication events such as in response to phone call or in response to off-hook detection (col. 44 lines 57-67) and playing back subsequently after the communication event to catch up to the real program after playing the buffered program faster (col. 45 lines 41-52; col. 46 lines 14-17). This clearly teaches applicant claim limitations such

as: wherein displaying the buffered program is performed in a manner faster that the reception of the real time program. After all, applicant is doing something similar to Asmussen patent. Applicant's specification discloses the following: once the call is ended, the buffered video is played back on the display from the point at which it was interrupted. Standard video controls, such as fast forward and rewind, are provided via user input device. Such input device 109 may comprises a remote control in one embodiment. Using these video controls, portions of the video may be skipped or fast forward if desired (page 3, left hand column, lines 4-10 of published application of applicant's: US 2004/0177378A1).

Regarding rejection of claim 21 using Asmussen patent, Applicant makes similar arguments as made for claim 20 and response provided therein is applicable here also.

Regarding rejection of claim 22, Applicant recites the claim limitations such as: where in means for recording records the video input signal prior to detecting an incoming phone call by the means for detecting such that the recorded video input includes a portion of the video input signal prior to detecting an incoming phone call so that displaying the buffered program includes the portion of the video input signal prior to the detecting of the incoming call". After quoting from Asmussen patent which applicant thinks most relevant, Applicant then argues that "request to "play the video program" results in "play [of] a buffered program that was missed", which clearly does not disclose to one of ordinary skill in the art that "that displaying the buffered program includes the portion of the video input signal prior to detecting of the incoming phone call". Thus, even if one believes that the Asmussen patent discloses the storing of a

portion of program before "detecting an incoming phone call", this does not mean that portion is actually part of "displaying buffered program includes the portion of the video input signal prior to the detecting of the incoming call" as required by claim". Regarding this limitation, Applicant's sole disclosure in applicant's claim limitation such: where in means for recording records the video input signal prior to detecting an incoming phone call by the means for detecting such that the recorded video input includes a portion of the video input signal prior to detecting an incoming phone call so that displaying the buffered program includes the portion of the video input signal prior to the detecting of the incoming call" is in paragraph:0023 which discloses: in a further embodiment, several seconds or other predetermined time of the video or audio signals are always buffered such that the replay of the buffered signals following a call occurs from a point several seconds prior to first indication of the call. Applicant seems to be using this limited and sparse disclosure for claim limitation of claim 22 such as where in means for recording records the video input signal prior to detecting an incoming phone call by the means for detecting such that the recorded video input includes a portion of the video input signal prior to detecting an incoming phone call so that displaying the buffered program includes the portion of the video input signal prior to the detecting of the incoming call. In light of this, Asmussen patent also discloses this: although transmitted in real time, the apparatus simultaneously buffers incoming video signal for subsequent use in performing various video program control features (col. 45 lines 52-54), where video program control features include play back at normal speed or fast word at greater speed (col. 46 lines 14-17). This clearly reads on applicant's above claim

limitation as Asmussen clearly teaches buffering the program simultaneously with transmission in real time which what applicant's system does.

Applicant's arguments on dependent claims 23, 25, 27 and 29 are noted and not persuasive in view of independent claims being not patentable.

In light of this, rejection of claims 12 and 20-31 are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Melur Ramakrishnaiah/
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